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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: DANT  
Serial No.: 10/663,212  
Filed: SEPTEMBER 15, 2003  
Confirmation No.: 2345  
Examiner: UNKNOWN  
Group Art Unit: 3731  
Docket: 6683.70USU1  
Title: APPARATUS AND METHOD FOR SPINAL DISTRACTION USING A FLIP-UP PORTAL

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 8, 2004.

By:

Name:

*Kristine A. Wack*  
*Kristine A. Wack*

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**23552**

PATENT TRADEMARK OFFICE

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Supplemental Information Disclosure Statement, Form 1449, Copy of European Search Report
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees of credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.  
P.O. Box 2903, Minneapolis, MN 55402-0903  
612.332.5300

By:

Name: David G. Schmaltz

Reg. No.: 39,828

DSchmaltz:PLSkaw

S/N 10/663,212

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	DANT	Examiner:	UNKNOWN
Serial No.:	10/663,212	Group Art Unit:	3731
Filed:	SEPTEMBER 15, 2003	Docket No.:	6683.70USU1
Title:	APPARATUS AND METHOD FOR SPINAL DISTRACTION USING A FLIP-UP PORTAL		

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By:

Name:

*Kristine A. Uicker*  
*Kristine A. Uicker*

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**23552**

PATENT TRADEMARK OFFICE

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner. Enclosed for the Examiner's information is a copy of the European Search Report. Applicant notes U.S. Patent No. 6,224,599 B1 also listed in the search report was previously cited to or by the Examiner. At least some of the references were recently cited in a European Search Report mailed June 3, 2004.

This statement should be considered because it is submitted before the mailing date of a first Office Action on-the-merits. Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

Because this application was filed after June 30, 2003, copies of the U.S. Patents and U.S. patent publications listed on the enclosed Form 1449 are not provided.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a

reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

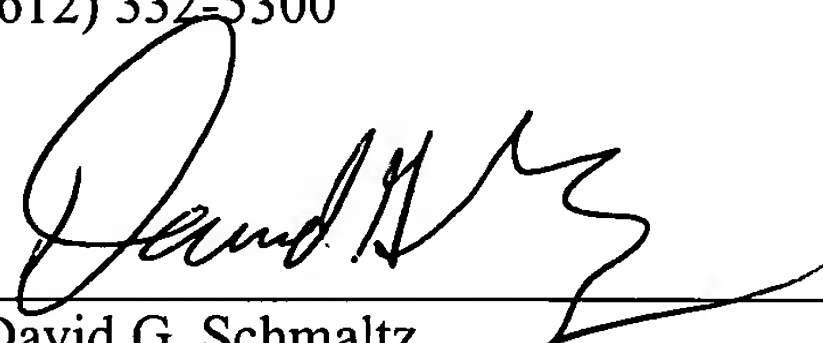
Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Date: \_\_\_\_\_

7/0/04

  
\_\_\_\_\_  
David G. Schmaltz  
Reg. No. 39,828  
DGS:PLSkaw

Date Mailed: JULY 8, 2004

Sheet 1 of 1

FORM 1449\*

## INFORMATION DISCLOSURE STATEMENT

Docket Number:

6683.70USU1

Application Number:

10/663,212

IN AN APPLICATION

(Use several sheets if necessary)

Applicant: DANT

Filing Date: 09/15/2003

Group Art Unit: 3731

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,755,732	05/26/1998	Green et al.			
	5,957,836	09/28/1999	Johnson			
	2002/0091392 A1	07/11/2002	Michelson			
	6,520,967 B1	02/18/2003	Cauthen			

## FOREIGN PATENT DOCUMENTS

	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)


23552

PATENT TRADEMARK OFFICE

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.